

REMARKS

The Non-Final Office Action mailed June 23, 2010, has been received and reviewed. Prior to the present communication, claims 1-6, 8-12, 15-38 and 41-53 were pending in the subject application. All claims stand rejected. Each of claims 1, 10-12, 15-16, 18, 23, 26-27, 32, 34, 42, 44, 46, and 49-53 are amended and claims 17, 36-38, 41, and 43 are cancelled herein. As such, claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 remain pending. It is submitted that no new matter has been added by way of the present amendments. Reconsideration of the subject application is respectfully requested in view of the above amendments and the following remarks.

Applicants submit that several typographical errors were included in the Office Action's indications of claim rejections. Applicants have attempted, as described below, to respond to the rejections of the claims as they were intended by the Office Action. Where a discrepancy exists Applicants have treated the claims as indicated by the specific rejection thereof and not as indicated by section headings provided by the Office Action. In particular claims 21, 23, 35, and 45 are rejected under more than one heading but only provided with a single specific rejection.

Rejections based on 35 U.S.C. § 101

Claims 1-6, 8-12 and 15-38 were rejected under 35 U.S.C. § 101 as ostensibly being directed to non-statutory subject matter. Applicants submit that claims 17 and 36-38 are canceled herein and thus, the rejection thereof is now moot. Applicants have amended independent claims 1, 16, 18, 23, and 26 to further recite one or more of a computing device, computer-readable media, and a memory for carrying out the claim features, as suggested by the Office Action. *See Office Action of June 23, 2010*, p. 2-3. Accordingly, Applicants respectfully

submit that independent claims 1, 16, 18, 23, and 26 and claims 2-6, 8-12, 15, 19-22, 24-25, and 27-34 are directed to statutory subject matter and request withdrawal of the 35 U.S.C. § 101 rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Olson

Claims 1-6, 8-12, 15-18, 20, 24, 26-34, 36-38, 41-44 and 50-53 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2004/0133390 to Osorio (hereinafter “Osorio”) in view of U.S. Patent No. 5,999,493 to Olson (hereinafter “Olson”). Applicants respectfully submit that claims 17, 36-38, 41 and 43 are canceled herein and thus, the rejection thereof is now moot.

Independent Claim 1

Independent claim 1, as currently amended, recites a method for determining and storing a time zone for healthcare information for a patient. Healthcare information that has an associated time and date is received. *A time zone source rule that applies to the healthcare information is determined based, at least partially, on a type of the healthcare information.* The time zone source rule is obtained and utilized to determine a time zone that is associated with the time and date. The time and date are converted to a coordinated universal format and stored with the associated healthcare information. The time zone is also stored with the associated healthcare information.

In contrast, Osorio is directed to synchronization of a plurality of clocks in a medical device system that provided treatment for nervous system disorders. *Osorio* ¶ [0007]. A user or programmer generates a control message to a device to synchronize the clock in the device with one or more other clocks in the system. *Id.* at ¶ [0079]. The synchronization of the clock may take into account a time zone of the location in which the clock is located. *Id.* at ¶

[0083]. Additionally, the devices may provide an alert to a patient or attending medical personnel of an eminent medical condition; the alert can include a location of the patient as determined using a global positioning system (GPS). *Id.* at ¶ [0194].

Applicants submit that Osorio does not teach or suggest all of the features of amended independent claim 1. Osorio does not describe determining a time zone source rule that applies to the healthcare information and does not describe basing such a determination, at least partially, on a type of the healthcare information. Osorio does not describe rules for determining a time zone to be applied to healthcare information other than merely using the time zone of the location of a clock for synchronizing the clock. The time zone is used to synchronize the clock not as a data element to be associated and stored with healthcare information.

As described by Applicants Specification a time zone source rule indicates a time zone that is to be applied to the healthcare information; the time zone may or may not be the location of the patient. *See Applicants' Specification* generally and at ¶ [0030]. The time zone source rules include a patient's time zone rule, a user's time zone rule, a user-entered time zone rule, and a system's time zone rule. *Id.* at ¶ [0030]. The patient's time zone rule applies at least to a type of healthcare information that includes results of one or more clinical events associated with the patient; the user's time zone rule applies at least to a type of healthcare information that includes data produced by an interaction between a user and a healthcare information system; the user-entered time zone rule applies at least to a type of healthcare information that includes data for which a time zone basis cannot be assumed; and the system's time zone rule applies at least to a type of healthcare information that includes data associated with processing of the healthcare information by the healthcare information system. *Id.* at ¶¶ [0032], [0038], [0040], and [0041]. Osorio does not describe such rules, types of healthcare information, or identifying a time zone that applies to healthcare information based on the type of the information.

Olson is cited by the Office Action in support of Osorio. Applicants submit that Olson fails to cure the deficiencies of Osorio. Olson discloses using a radio broadcast of Coordinated Universal Time (UTC) to synchronize clocks contained in an automated external defibrillator (AED) device and in a computer system for processing 911 calls such that response times of emergency response personnel may be accurately calculated. *See Abstract of Olson*. As such, Olson fails to teach or suggest a time zone source rule that applies to healthcare information or determining such a rule that applies to the healthcare information based, at least partially on the type of the information, as discussed previously above.

Applicants also submit that Osorio and Olson are not analogous art with respect to Applicants' amended independent claim 1. Osorio and Olson are directed to devices and synchronizing clocks on such devices. Neither Osorio nor Olson is directed to gathering and storing data elements for later presentation to a user. Osorio and Olson do not describe collecting healthcare information, storing the information with an associated time zone indication, and presenting the information with respect to the associated time zone. Osorio and Olson merely teach synchronizing clocks in disparate devices. Further, application of amended independent claim 1 is not dependent on the sources of date and time information being synchronized. The synchronization of such sources is *irrelevant* to determining a time zone source rule for healthcare information and storing the healthcare information with the time zone data.

Additionally, Osorio and Olson effectively teach away from amended independent claim 1. Since no description is provided that would teach one of ordinary skill in the art to store a time zone that is associated with healthcare information or to present the healthcare information with respect to the associated time zone, Applicants must assume that

Osorio and Olson employ the prior art methods described by Applicants' Specification in which no time zone indication is used or provided. *Applicants' Specification* at ¶ [0005].

Independent Claims 16, 18, 26, 42, 44, 50, 51, 52, and 53

Amended independent claims 16, 18, 26, 42, 44, 50, 51, 52, and 53 recite features similar to those described above with respect to amended independent claim 1 such as determining a time zone source rule that applies to the healthcare information based, at least partially, on a type of the healthcare information. As such, the remarks provided above with respect to amended independent claim 1 apply equally to amended independent claims 16, 18, 26, 42, 44, 50, 51, 52, and 53.

Independent Claim 23

Independent claim 23 was similarly rejected under 35 U.S.C. § 103(a) as being unpatentable over Olson in view of Osorio. Independent claim 23 recites features similar to those described above with respect to amended independent claim 1 such as determining a time zone source rule that applies to the healthcare information based, at least partially, on a type of the healthcare information. As such, the remarks provided above with respect to amended independent claim 1 apply equally to amended independent claim 23.

As such, it is respectfully submitted that Osorio and Olson, either alone or in combination, fail to teach or suggest all of the claim features of amended independent claims 1, 16, 18, 23, 26, 42, 44, 50, 51, 52, and 53. Accordingly, Applicants submit that claims 1, 16, 18, 23, 26, 42, 44, 50, 51, 52, and 53 are patentable over Osorio in view of Olson. Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of independent claims 1, 16, 18, 23, 26, 42, 44, 50, 51, 52, and 53. Claims 1, 16, 18, 23, 26, 42, 44, 50, 51, 52, and 53 are believed to be in condition for allowance and such favorable action is hereby respectfully requested.

Claims 2-6, 8-12, 15, 20, 24, and 27-34 depend, either directly or indirectly, from independent claims 1, 18, 23, and 26. Thus, Applicants respectfully submit that Osorio and Olson, either alone or in combination, fail to teach or suggest all of the limitations of dependent claims 2-6, 8-12, 15, 20, 24, and 27-34 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claims 2-6, 8-12, 15, 20, 24, and 27-34 are not obvious over Osorio in view of Olson, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Olson in view of Ellis

Claims 19, 21, 35 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Osorio in view of Olson further in view of U.S. Publication No. 2004/0102931 to Ellis (hereinafter “Ellis”).

Applicants respectfully submit that Ellis fails to cure the deficiencies of Osorio and Olson described above. Ellis is directed to a modular personal network that includes devices that provide a variety of functions including time, communication, entertainment, organization, guidance, athletic, medical, travel, outdoors, identity, security, and military. *See Abstract of Ellis*. As such, Ellis, like Osorio and Olson, fails to teach or suggest determining a time zone source rule that applies to healthcare information based at least partially on a type of the healthcare information.

Additionally, claims 19, 21, 35, and 45 depend either directly or indirectly from amended independent claims 18, 26, and 44. Thus, Applicants respectfully submit that Osorio, Olson, and Ellis, either alone or in combination, fail to teach or suggest all of the features of dependent claims 19, 21, 35, and 45 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claims 19, 21, 35, and 45 are patentable over

Osorio in view of Olson in view of Ellis and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Olson in view of Wilcox

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Osorio in view of Olson further in view of U.S. Publication No. 2005/0002483 to Wilcox (hereinafter “Wilcox”).

Applicants respectfully submit that Wilcox fails to cure the deficiencies of Osorio and Olson described above. Wilcox describes a system that utilizes radiologists and medical imaging facilities in disparate time zones to provide full time radiologic study of images captured at the medical imaging facilities. By Wilcox, a medical imaging facility, such as a hospital in time zone A, is paired up with a radiologist or technician in a disparate time zone B such that radiologic images taken at the hospital during the nighttime hours of time zone A are analyzed by the radiologist/technician during the daytime hours of time zone B. *Wilcox* at ¶ [0014]. The time zones A and B are located generally on opposite sides of the globe such that while time zone A experiences nighttime, time zone B experiences daytime. *Id.* As such, radiologic study is provided to the hospital in time zone A twenty-four hours a day by radiologists or technicians who are working during their normal daylight hours and are thus, more likely to be at their peak performance. *Id.*

Claim 22 depends directly from amended independent claim 18. Thus, Applicants respectfully submit that Osorio, Olson, and Wilcox, either alone or in combination, fail to teach or suggest all of the features of dependent claim 22 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claim 22 is patentable over

Osorio in view of Olson in view of Wilcox, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Olson in view of Osorio in view of Ellis

Claims 23, 21, 35 and 45 were indicated as being rejected under 35 U.S.C. § 103(a) over Olson in view of Osorio further in view of Ellis. However, no specific rejection of these claims with respect to the indicated rejection is provided by the Office Action. And these claims are specifically rejected over one or more other references by the Office Action. As described above, Applicants assume that this indicated rejection was a typographical error.

As such, and for sake of completeness, Applicants respectfully submit that Olson, Osorio, and Ellis, either alone or in combination, fail to teach or suggest all of the features of amended independent claim 23 and claims 21, 35, and 45 which depend either directly or indirectly from amended independent claims 18, 26, and 44 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that amended independent claim 23 and claims 21, 35, and 45 are patentable over Olson in view of Osorio in view of Ellis and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Olson in view of Osorio in view of Overton

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Olson in view of Osorio further in view of U.S. Publication No. 2003/0065653 to Overton (hereinafter "Overton").

Applicants respectfully submit that Overton fails to cure the deficiencies of Olson and Osorio described above. Overton describes a universal method for generating an index of medical records when the services are rendered and retrieving those medical records based on the index. *Overton* at ¶ [0001]. Under Overton, an index indicating patient encounters with various

medical facilities is generated. *Id.* at [0200]. The index indicates the location at which the medical records for each of the patient encounters is stored. *Id.* ¶ [0201]. Thereby, a user can query the index for the medical records, identify where the medical records are stored and then contact that storage location directly. *Id.* at ¶ [0202].

Claim 25 depends indirectly from amended independent claim 23. Thus, Applicants respectfully submit that Olson, Osorio, and Overton, either alone or in combination, fail to teach or suggest all of the limitations of dependent claim 25 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claim 25 is patentable over Olson in view of Osorio in view of Overton, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Olson in view of Wilcox

Claims 46 and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Osorio in view of Olson further in view of Wilcox. Independent claims 46 and 49, as amended herein recite features similar to those described above with respect to amended independent claim 1, such as determining a time zone source rule that applies to the healthcare information based at least partially on a type of the healthcare information. As such, the remarks provided above with respect to amended independent claim 1 apply equally to amended independent claims 46 and 49.

Rejection under 35 U.S.C. § 103 over Osorio in view of Wilcox in view of Olson

Claim 47 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Osorio in view of Wilcox further in view of Olson. Claim 47 depends directly from amended independent claim 46. Thus, Applicants respectfully submit that Osorio, Wilcox, and Olson, either alone or in combination, fail to teach or suggest all of the features of dependent claim 47

for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claim 47 is patentable over Osorio in view of Wilcox in view of Olson, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

Rejection under 35 U.S.C. § 103 over Osorio in view of Wilcox in view of Overton

Claim 48 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Osorio in view of Wilcox further in view of Overton. Claim 48 depends indirectly from amended independent claim 46. Thus, Applicants respectfully submit that Osorio, Wilcox, and Overton, either alone or in combination, fail to teach or suggest all of the features of dependent claim 48 for at least the above-cited reasons. Accordingly, Applicants respectfully submit that dependent claim 48 is patentable over Osorio in view of Wilcox in view of Overton, and request withdrawal of the 35 U.S.C. § 103(a) rejection thereof.

CONCLUSION

For at least the reasons stated above, each of claims 1-6, 8-12, 15-16, 18-35, 42, and 44-53 is believed to be in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned—by telephone at 816-559-2564 or via email at areed@shb.com (such communication via email is herein expressly granted)—to resolve the same prior to issuing a subsequent action.

It is believed that no fee is due in conjunction with the present communication. However, if this belief is in error, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112, referencing attorney docket number CRNL109894.

Respectfully submitted,

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